

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

March 2, 2005

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*In re: Petition of Kings Chapel Capacity, LLC for
a Declaratory Ruling Regarding the Assignment of
Wastewater Service Territory to Private Utilities in
Tennessee*)
)
)
)

Docket No. 05-00062

PETITION TO INTERVENE OF TENNESSEE WASTEWATER SYSTEMS, INC.

Tennessee Wastewater Systems, Inc. ("TWS") petitions the Tennessee Regulatory Authority ("TRA"), pursuant to T.C.A. § 4-5-310 and TRA Rule 1220-1-2-.08, to allow TWS to intervene as a matter of right in the above-captioned proceeding. In support of this Petition, TWS submits that:

- 1) TWS currently holds multiple Certificates of Convenience and Necessity to provide wastewater service in Tennessee and is currently providing and maintaining wastewater service in areas throughout the State of Tennessee.
- 2) In a Petition filed on February 25, 2005, Kings Chapel Capacity, LLC asked the TRA to issue a declaratory ruling that "the TRA's previous orders granting wastewater service territories through Certificates of Convenience & Necessity ("CCN") to various providers only applies to the developments and territory actually being served, and not to any presently unserved area where treatment and distribution facilities have not been placed in service by the utility." Petition at 1.

- 3) As the holder of numerous Tennessee certificates, TWS has an interest in protecting the rights, duties, privileges, immunities, or other legal interests arising from those certificates.
- 4) Since no hearing date has yet been set, this Petition is being filed more than seven days prior to any hearing on this matter (*See* TRA Rule 1220-1-2-.08) and, thus, granting this Petition will not impair the orderly and prompt conduct of the proceedings.

Therefore, TWS respectfully requests that this Petition be granted as a matter of right and submits that granting this Petition is in the interests of justice.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

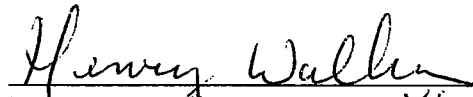
By: Henry M. Walker KG
Henry M. Walker
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, Tennessee 37203
(615) 252-2363

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document has been served upon the following persons by hand delivery or by United States Mail, with proper postage thereon.

Richard Militana, Esq.
5845 Old Highway 96
Franklin, Tennessee 37064

This 2nd day of March, 2005.


Henry M. Walker KG